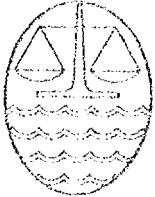




UNITED NATIONS



THIRD CONFERENCE
ON THE LAW OF THE SEA

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ORIGINAL: ENGLISH

THIRD COMMITTEE

Conference Room Papers containing proposals or amendments
informally introduced but not considered by the drafting
and negotiating group of the Informal Sessions on Item 12
(Preservation of the Marine Environment)

EXPLANATORY NOTE

These conference room papers were introduced in the course of consideration by the Informal Sessions on Item 12 of texts prepared by Working Group 2 of Sub-Committee III of the Committee on the Peaceful Uses of the Sea-bed and the Ocean Floor beyond the Limits of National Jurisdiction.

CRP/MP/3/Add.1/Rev.1

WG.2/Paper No. 8/Add.2 (for text see document A/9021, Supplement No. 21, vol. I, pp.86-88)

(Result of discussion on particular obligations)

Suggested new paragraphs

Italy

The text of a new paragraph 5 suggested by Italy (document CRP/MP/3/Add.1, p. 3) should be replaced by the following text:

"5. (a) States shall pledge themselves to respect the special provisions which are applied in special areas.

(b) Special area means an area where, for recognized technical reasons in relation to its oceanographical and ecological condition as well as to its utilization, the adoption of special compulsory methods for the prevention of marine pollution is required.

(c) The creation of special areas and the special provisions to be applied therein shall be decided on the request of the coastal States concerned, within the competent international organizations, in accordance with the international conventions for the prevention of marine pollution from different sources."

English

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CRP/MP/3/Add.2

Tunisia

5. States using the "special maritime zones" and bordering thereon shall undertake to adopt strict measures to reduce the existing pollution in those zones and to prevent any new pollution, whatever form it may assume, including that attributable to new substances.

6. The description "special maritime zone" shall apply to any enclosed or semi-enclosed sea, as defined by the present Convention, which, by reason of reduced water exchanges with the ocean, of intense maritime traffic and/or of the proliferation of industries and urban centres on its shores, calls for the adoption of strict obligatory measures designed to avoid the degradation of its ecosystem and damage to its resources.

CRP/MP/3/Add.3

Israel

5. States adjoining a "special area", shall, as much as practicable, employ agreed methods of co-operation for the prevention of marine pollution in their common area.

6. "Special area" means a sea area where for recognized technical reasons in relation to the particular character of its oceanographical and traffic conditions, the adoption by bordering States, of special methods for prevention of marine pollution, is required.

7. States shall undertake to act consistently with the dispositions and provisions resulting therefrom.

CRP/MP/3/Add.4

USSR

Amendment to the Italian proposal (CRP/MP/3/Add.1/Rev.1)

Add at the end of paragraph "c" the following sentence: "The coastal States submitting their request shall accompany it by scientific and technical justification as well as by a plan for setting up corresponding onshore reception facilities."

CRP/MP/7

WG.2/Paper No. 13 (for text see document A/9021, Supplement No. 21, vol. I, p. 92)

"Monitoring"

Brazil (see A/9021, vol. I, p. 101)

- (i) Insert after the word "States" (first line) the following text: "in areas under national jurisdiction"

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- (ii) Delete the words "or effect" (second line) after the words "the risk".
- (iii) Delete, after the word "environment" the phrase: "especially pollution likely to arise from activities which they permit or in which they engage".

Kenya (see A/CONF.62/C.3/L.2, article 19)

- (i) Substitute for the first line of Paper 13, the words "States shall, as much as is practicable, employ internationally agreed systems of".
- (ii) In the second line, Paper 13, delete the word "evaluation".

France

Delete in article 19 of document A/CONF.62/C.3/L.2 (first line) the words: "or internationally agreed" and in the second line delete the words "measurement and analysis".

Italy

- (i) Substitute for the word "employ" (first line) the word "set-up".
- (ii) Substitute for the words "risk or effect of pollution on the marine environment" (second and third line) the words: "level of marine pollution".

Israel

- (i) Redraft the first and second lines up to the word "analysis" so as to read: "States shall, as much as possible, employ suitable systems of observation, measurement and analysis operated in pursuance of standards and specifications internationally recommended." The text then continues up to the word "environment".
- (ii) The following words should therefore be deleted: "especially pollution likely to arise from activities which they permit or in which they engage".

United Kingdom

Substitute for paragraph 1 the following text: "States shall monitor, either jointly or individually, the marine environment in order to assess the effects of pollution."

Paragraph 2

Brazil (see A/9021, p. 101)

- (i) In the first line delete the words "as soon as possible".
- (ii) After the word "States" (third line), add the words: "they deem".

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English

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Kenya (see A/CONF.62/C.3/L.2, article 20)

In the third line, substitute for the words "international organizations concerned" the words: "Authority as well as to UNEP and to other concerned international organizations".

France

In the last line, substitute for the phrase "request to disseminate such data and information" the words: "recommendation to disseminate such data and information at the request of any interested party".

United Kingdom

Substitute for this paragraph the following text: "States shall communicate, as soon as possible, the results obtained to the appropriate international organizations where they have been established, or where none exists to the State likely to be affected."

Suggested new paragraphs

Iran

Insert the following text as a new paragraph 2 or as an additional sentence to paragraph 1: "States located in so-called 'special areas' shall co-operate as much as possible to employ internationally agreed systems of observation, measurement and analysis to determine the risk or effect of pollution on the marine environment of their common area."

Egypt

Insert the following text as a new paragraph after paragraph 2: "International data acquisition centres for data collection, retrieval and dissemination may be established on marine-geographical status or continental basis."

CRP/MP/7/Add.1

Draft article prepared by the Chairman of the Informal Sessions on Item 12

1. States shall, consistent with the rights of other States, endeavour, as much as is practicable, individually or collectively through the competent international organizations, to employ suitable systems for observing, measuring, evaluating and analysing the risks or effects of pollution of the marine environment.

(In particular) States shall keep under surveillance the effect of any activities which they permit, or in which they engage, to determine whether these activities are likely to pollute the marine environment, 1/ and they shall, in any case, keep under surveillance the area under their jurisdiction.

1/ One delegation proposed that the obligation should be created for States to prepare environmental assessments of such activities which may reasonably be expected to create a risk of significant marine pollution.

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2. States shall communicate, as soon as possible, the results obtained to UNEP, to the appropriate international organization where one has been established, or where none exists, to the States likely to be affected.

CRP/MP/8

WG.2/Paper No. 14 (for text see document A/9021, Supplement No. 21, vol. I, p. 93)

(Obligation to put an end to violations and to the effects thereof)

Brazil

In the second line, insert the word "significant" before the word "pollution".

Egypt

At the end of this text add the following sentence: "Where a State cannot cope with such situations, immediate call for help from neighbouring States and/or recognized international organizations should be made regardless of financial obligations."

France

In the text proposed by Egypt above, delete the words "regardless of financial obligations".

CRP/MP/9, Add.1, Corr.1 and 2, and Rev.1

WG.2/Paper No. 15 (for texts see document A/9021, Supplement No. 21, vol. I, pp. 93-100)

STANDARDS

GENERAL

Kenya

Take into account articles 21 through 28 of document A/CONF.62/C.3/L.2.

Section I - Standards for land-based sources of marine pollution

ALTERNATIVE A

Spain

Substitute for Alternative A the following text:

1. States shall endeavour to establish international rules and standards for preventing and combating pollution of the marine environment from land-based sources, taking into account available scientific evidence, economic and other relevant factors and the work of competent international organizations, whether universal or regional.

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2. States shall establish national rules and standards for preventing and combating pollution of the marine environment from land-based sources, taking into account relevant internationally agreed rules and standards. In establishing such rules and standards due account should be taken of characteristic regional features, the economic capacity of countries and their need for economic development.

United States of America

In the third line, delete the words "endeavour to".

France

- (i) In the first line, after the word "acting", insert the word "possibly".
- (ii) In the third line, after the words "international standards", add the following words: "and programmes for reduction" (in the French translation, after the word "normes" insert the words "et des programmes de reduction internationaux").
- (iii) After the word "account" in the fifth line, insert the words: "in particular"; and after the word "evidence" delete the rest of the sentence.

Union of Soviet Socialist Republics

Insert after "regional organizations" (second line) the words: "or otherwise".

Federal Republic of Germany

Substitute for Alternative A the following text:

1. States shall, acting through the appropriate international and regional organizations, endeavour to establish and adopt international standards for prevention and reduction of pollution of the marine environment from land-based sources.

States shall endeavour to establish regional agreements, particularly for vulnerable areas, to control, prevent and reduce pollution of the marine environment from land-based sources, including programmes for the elimination and reduction of toxic or other harmful substances and, as appropriate, regulations concerning discharges, environmental quality and products containing such substances and their use.

Such agreements shall take into account the available scientific evidence and other relevant factors, and the work of competent international bodies.

2. States shall, taking into account relevant international and regional agreements, establish and adopt national regulations to control, prevent and reduce discharges of toxic and other harmful substances reaching the sea waterborne or directly from the coast and including outfalls from pipelines.

To this end the discharge of such substances in significant quantities shall be subject to the prior issue of a special permit by the appropriate national authority.

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Greece

In the first line, after the word "acting" insert the words: "in particular".

Italy

In the third line delete the words "and adopt".

Trinidad and Tobago

Replace Alternative A with the following text:

"States shall individually establish national standards for the prevention and control of land-based sources of marine pollution, and shall endeavour to establish and adopt international standards for prevention of pollution of the marine environment from land-based sources for those industries which, by reason of their very nature, pose potential threats to the environment."

United Kingdom

Replace Alternative A with the following text:

"1. States shall endeavour to establish global or regional agreements to prevent and control pollution of the marine environment from land-based sources, taking into account the available scientific evidence and other relevant factors, and the work of competent international bodies.

"2. States shall establish and adopt national regulations to prevent and control land-based sources of marine pollution, taking into account such international agreements as may be elaborated."

suggested additions to Alternative A

Romania

At the end of the Alternative A add the following text as a new paragraph:

"In the special zone, each State shall establish national standards; standards and rules shall be agreed between all coastal States taking into account specific conditions of each maritime zone."

Iran

Add the following text as a second paragraph of Alternative A:

"In an internationally defined maritime area which, for acknowledged technical reasons concerning its oceanographic and ecological situation and the special character of its traffic, calls for the adoption of special binding method for the prevention of marine pollution, the States concerned in the region, will individually or jointly establish and adopt national rules, regulations and treaties to prevent land-based sources of pollution from polluting their marine environment."

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English

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ALTERNATIVE B (Section I)

Egypt

At the end of this alternative, add the phrase "guided by internationally agreed standards".

Guyana

At the end of this alternative, add the phrase "in accordance with their capabilities and their own environmental policies".

India

(CRP/MP/9/Add.1)

This alternative should be amplified so as to read:

"States shall take appropriate measures to prevent land-based marine pollution, taking into account the work and recommendations of competent international organizations, such as the United Nations Environment Programme, and other relevant factors, including the economic capacity of the developing countries."

Section II - Standards for sea-bed sources of marine pollution

ALTERNATIVE A

Union of Soviet Socialist Republics

In the first line, insert after the words "acting through the appropriate international organization", the words "or otherwise". (This could also apply to paragraph 1 (first line) of Alternative B.)

ALTERNATIVE B

Italy

In paragraph 2, third line, substitute for the words "sea-bed area over which they exercise sovereign rights", the words "the continental shelf".

France

At the end of paragraph 2, after the words "international organizations", insert the words "or in accordance with regional agreements".

India

(CRP/MP/9/Add.1)

- (i) In paragraph 1, first line, substitute for the words "States, acting through the competent international organizations," the words:

- (ii) In paragraph 2, fifth line, add the words "régime and", after the word "appropriate" and before the word "international". In the seventh line, after the word "standards", add the words "and recommended practices for that area".

ALTERNATIVE C

United States of America
(CRP/MP/9/Corr.2)

"Within the economic zone /and other areas of coastal States sea-bed resource jurisdiction/, with respect to marine pollution arising in connexion with sea-bed activities and installations under the jurisdiction of the coastal State pursuant to Chapter _____:

"1. States, acting through the competent international organizations or otherwise, shall establish, as soon as possible, international regulations to prevent and control pollution.

"2. Coastal States may establish additional or more stringent regulations applicable to such activities.

ALTERNATIVE D

Venezuela

- (i) At the end of the first sentence, after the words "marine environment" add the words "beyond national jurisdiction".

- (ii) Delete the last sentence starting by: "States may also ...".

Suggested new Alternative G (Section II)

Spain

1. States shall endeavour to establish international rules and standards for preventing and combating pollution of the marine environment caused by the exploration or exploitation of sea-bed under national jurisdiction.

2. States shall establish national rules and standards for preventing and combating pollution of the marine environment caused by the exploration or exploitation of sea-bed under national jurisdiction, taking into account internationally agreed rules and standards.

3. The authority shall establish international rules and standards for preventing and combating pollution of the marine environment caused by the exploration or the exploitation of sea-bed beyond the limit of national jurisdiction.

/...

Suggested new Alternative E

Trinidad and Tobago
(CRP/MP/9/Add.1)

"States shall establish, individually, or through the appropriate regional and international organizations, minimum international standards for the prevention and control of marine pollution arising from the exploration and exploitation of their continental shelf and from vessels operating within national jurisdiction."

Section III. Standards for vessel-source pollution

ALTERNATIVE A

Italy

Insert the text of Alternative F as a new second paragraph to Alternative A; in the former paragraph F delete subitem (a) and redesignate subitems (b), (c), (d) as (a), (b), (c).

ALTERNATIVE B

Greece

In the sixth line after the word "equipment" insert the word "manning".

ALTERNATIVE F

Venezuela

The text of Alternative F should constitute a separate section. Subparagraph (a) of this alternative or separate section should be redrafted so as to read:

"(a) Establish a system of evaluation of various aspects of marine pollution";

Suggested new Alternatives

Federal Republic of Germany

Alternative G

1. States shall, inter alia, co-operate with other States through the competent international organizations and other appropriate bodies in establishing and amending internationally agreed regulations for the protection of the marine environment against vessel-source pollution, and shall harmonize their national efforts to this end. Such regulations shall include regulations regarding ship design, construction, equipment, operation, maintenance, financial responsibilities and other relevant factors, and special regulations for special areas and problems, taking into account particular ecological and other circumstances.

/...

2. Regarding the elaboration and amendment of regulations for special areas, the particular interests of States bordering such areas in the preservation of the marine environment adjacent to their coasts shall be taken into account. Regulations for special areas adopted in accordance with the present article shall enter into force if they have been accepted by the States bordering the area.

3. Nothing in the present article may be interpreted as preventing States from establishing more stringent regulations relating to vessel-source pollution for ships flying their flag.

Spain

Alternative G

1. States shall endeavour to establish international rules and standards for preventing and combating pollution of the marine environment from vessels.

2. States shall establish national rules and standards for preventing and combating pollution of the marine environment from vessels, in conformity with internationally agreed rules and standards.

Trinidad and Tobago

See suggested new Alternative under Section II, E above.

Section IV. Competence of individual States to establish and adopt standards

...

ALTERNATIVE B

United States of America

In subparagraph (a):

- (i) Delete the phrase in brackets and insert the words "Economic Zone (and the areas of coastal States sea-bed resources jurisdiction";
- (ii) In the second line, after the word "activities" delete the rest of the sentence and insert the words "and installations under their jurisdiction pursuant to chapter ...".

Suggested new alternatives

Canada

Article

"The coastal State has in and throughout its economic zone (hereinafter referred to as the "zone") the rights and duties specified in these articles for the purposes of protecting and preserving the marine environment and preventing and controlling pollution."

Article

"1. Within the zone, the coastal State shall have jurisdiction, in accordance with these articles, to establish and adopt laws and regulations and to take administrative and other measures in respect of the activities of all persons, natural and juridical, vessels, installations and other entities for the purposes set out in the immediately preceding articles.

"2. The coastal State shall have the right to enforce in the zone laws and regulations enacted in accordance with paragraph 1 of this article.

"3. (a) In respect of pollution of the marine environment from land-based sources and from installations or devices engaged in the exploration and exploitation of the natural resources of the sea-bed and subsoil, the laws and regulations of the coastal State shall take into account internationally agreed rules, standards and recommended practices and procedures.

(b) (i) In respect of ship-generated pollution, the laws and regulations of the coastal State shall conform to internationally agreed rules and standards.

(ii) Where internationally agreed rules and standards are not in existence or are inadequate to meet special circumstances, coastal States may adopt reasonable and non-discriminatory laws and regulations additional to or more stringent than the relevant internationally agreed rules and standards. However, coastal States may apply stricter design and construction standards to vessels navigating in their zones only in respect of waters where such stricter standards are rendered essential by exceptional hazards to navigation or the special vulnerability of the marine environment, in accordance with accepted scientific criteria. States which adopt measures in accordance with this subparagraph shall notify the competent international organization without delay, which shall notify all interested States about these measures."

Sweden

(CRP/MP/9/Rev.1)

"Standards for vessel-source pollution within areas of exceptional vulnerability

"1. Any State or States adjacent to a sea area, which due to ecological characteristics, taking into account also traffic conditions, is exceptionally vulnerable for pollution, are entitled to establish regulations for the prevention of vessel-source pollution in this area which are more stringent than or additional to the provisions of generally agreed international conventions, provided

(a) that the regulations are not discriminatory, and

(b) that the competent international organization has decided on the basis of recognized scientific criteria that the area in question shall be treated as an area of exceptional vulnerability as regards vessel-source pollution.

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"2. Regulations referred to in paragraph 1 which apply to construction, design, equipment or manning of ships may not enter into force until they have been approved by the competent international organization.

"3. Regulations referred to in paragraph 1 which apply to discharge, navigation, dangerous cargoes and similar measures in connexion with the operation of ships and which do not affect their construction, design, equipment or manning, may enter into force _____ months after the regulations have been communicated to the competent international organization."

Suggested new Section on Dumping

United Kingdom

"States shall establish and adopt international regulations to prevent and control pollution by dumping of wastes at sea.

"States shall establish and adopt national regulations to prevent and control pollution by dumping of wastes at sea which shall be no less stringent than the appropriate international regulations."

Venezuela

See recommendation in section III above.

CRP/MP/11

4. Marine pollution from the atmosphere
(See document CRP/MP/10 of 7 August 1974)

Colombia, Spain and Venezuela
(text presented to the informal sessions on 8 August 1974)

"1. States shall endeavour to establish international rules and standards for preventing and combating pollution of the marine environment from the atmosphere.

"2. States shall establish national rules and standards for preventing and combating pollution of the marine environment from the atmosphere, taking into account internationally agreed rules and standards."

CRP/MP/12/Rev.1

6. Pollution from dumping of wastes at sea
(See document CRP/MP/10 of 7 August 1974)

German Democratic Republic and Union of Soviet Socialist Republics:
(text presented to the informal sessions on 8 August 1974)

"Coastal State regulation on dumping of wastes and other matter

"1. The coastal State shall, within the zone which is adjacent to its territorial sea and may not extend beyond ... nautical miles from the baselines from which the breadth of the territorial sea is measured, have the right to authorize and regulate dumping of wastes and other matter with due regard to internationally agreed regulations on such dumping.

"2. Dumping of wastes and other matter in accordance with paragraph 1 of this article shall be without prejudice to other States or international navigation."

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